

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Michelle Mathis, :  
 :  
Plaintiff, :  
 :  
v. : Case No. 2:12-cv-0173  
 :  
Barack Obama, et al., : JUDGE MICHAEL H. WATSON  
 : Magistrate Judge Kemp  
 :  
Defendants. :

REPORT AND RECOMMENDATION

I.

On February 24, 2012, plaintiff, Michelle Mathis, submitted an application to proceed *in forma pauperis* in this action. As previously explained by this Court in its order of March 1, 2012,

Her application was not accompanied by a complaint as defined in Fed.R.Civ.P. 8, which requires a complaint to contain "a short and plain statement of the grounds for the court's jurisdiction" and "a short and plain statement of the claim showing that the pleader is entitled to relief ...." Rather, the only other document Ms. Mathis filed aside from her *in forma pauperis* application was a form apparently used in state court to apply for a civil protection order. On the line which is to be used to describe the person or persons against whom the order is sought, no name appears. The events supposedly leading to the need for civil protection are certain Columbus Police Department reports, none of which are attached. The defendants' names appear only on a line which is to be completed by a judge issuing the order; they include, among others, President Obama and Ohio Attorney General Mike Dewine.

In its previous order, the Court recognized that it could simply dismiss this case at the outset because it is either frivolous or fails to state a claim upon which relief can be granted. See 28 U.S.C. §1915(e)(2). In the interests of justice, however, the Court allowed Ms. Mathis an opportunity to

file a complaint which complies with Fed.R.Civ.P. 8, so that if she has a potentially valid claim against any of the defendants, she could state it in a way that permits the Court properly to determine its possible merit. Ms. Mathis was directed to file her complaint within twenty-one days. She was warned that her failure to respond to this order, or failure to file a complaint which meets the requirements of Rule 8(a) or which fails to state a proper claim, or one within the Court's jurisdiction, would result in the dismissal of this case.

Ms. Mathis has not filed a complaint nor has she responded to the Court's order in any other way. As a result, the Court will recommend that this case be dismissed.

## II.

For the reasons set forth above, it is recommended that this case be dismissed. It is further recommended that if this recommendation is adopted, a copy of the complaint, this Report and Recommendation, and the dismissal order be mailed to each of the defendants.

## III.

If any party objects to this Report and Recommendation, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the

right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

/s/ Terence P. Kemp  
United States Magistrate Judge